

Remarks/Arguments

The present reply is made in response to the non-final Office Action dated February 5, 2007 and identified as Paper No. 20070130. Claims 11-17 are pending.

In the Action, In the Action, the Examiner rejected claims 11/15 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,809,797 to Baselmans et al (“*Baselmans*”). Claims 16-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Baselmans* in view of U.S. Patent No. 6,867,420 to Matheis et al (“*Matheis*”).

With respect to claims 11-15, the Examiner determined that *Baselmans* disclosed the claimed filter having a first region having a first transmittance and a second region having a second transmittance that is different than the first. This is incorrect.

The structure identified by the Examiner in *Baselmans* is not a filter having two different regions of transmittance. *Baselmans* discloses a lens (PL) having aberrations that affect the intensity of light passing through the lens. In fact, the entire system of *Baselmans* is directed to recognizing and correcting these aberrations. The system of *Baselmans* does not disclose using a filter having a first region having a first transmittance and a second region having a second transmittance that is different than the first. Instead, the figures from *Baselmans* relied on by the Examiner simply show the formation of the aberrations in the lens that is used to focus the masked image onto the substrate. A closer look at Fig. 2 reveals that the aberrations occur at the other side of the lens (PL). Thus, the “rays” shown above PL in Fig. 2 are in fact all passing through, as the aberrations are also shown exiting from the outbound side of the lens.

The depiction of aberrations in a lens is not the same as the claimed filter having first region having a first transmittance and a second region having a second transmittance that is different than the first. *Baselmans* simply depicts the loss of intensity in transmittance due to

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aberrations and thus does not disclose anything remotely similar to the filter of the claimed invention. In fact, *Baselmans* does even disclose any filtering of the radiance. Accordingly, *Baselmans* does not disclose each and every element of the claimed invention and the rejection under 35 U.S.C. § 102(e) must be withdrawn.

The rejections under 35 U.S.C. § 103(a) are thus similarly deficient as the combination of *Baselmans* with *Matheis* also fails to disclose the claimed filter, as described above.

In view of the foregoing amendments as supported by these remarks, the Examiner's reconsideration is requested and allowance of the present application is believed to be in order. If the Examiner believes a phone conference with Applicant's attorney would expedite prosecution of this application, he is respectfully requested to contact him at (315) 218-8530.

Respectfully submitted,

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By: _____

George R. McGuire
Reg. No. 36,603

BOND, SCHOENECK & KING, PLLC
One Lincoln Center
Syracuse, New York 13202-8530
(315)218-8515